

Interview Summary	Application No. 08/937,443	Applicant(s) Renirie et al
	Examiner George Evanisko	Group Art Unit 3737

All participants (applicant, applicant's representative, PTO personnel):

(1) George Evanisko

(3) _____

(2) Thomas Woods

(4) _____

Date of Interview Feb 8, 2000

Type: Telephonic Personal (copy is given to applicant applicant's representative).

Exhibit shown or demonstration conducted: Yes No. If yes, brief description:

Agreement was reached. was not reached.

Claim(s) discussed: See the attached examiners amendment

Identification of prior art discussed:

Greenhut 5964788

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

The recently issued Greenhut reference would read on the claims. Although this application beats the filing date of the Greenhut reference by a month, in order to avoid an interference, the independent claims were changed to use nerve stimulation to control the patients heart rate as a function of the respiration. It was agreed that one critical feature of nerve stimulation is that nerve stimulation does not require a lead to be placed in a patients heart. Another search was made, but no art was found concerning the use of nerve stimulation in combination with respiration. In addition, claim language was amended to avoid possible 112, second paragraph rejections. Several of the dependent claims were canceled since they dealt with heart stimulation or nerve stimulation and claim 36 was canceled since the 112 first paragraph rejection still applied to the claim. Finally, the specification was amended to include the nerve stimulation during expiration and/or inspiration. The addition was supported by original claims 16, 17, 27, 33, and the summary.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2. Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

*George R. Evanisko
Patent Examiner*

Examiner Note: You must sign and stamp this form unless it is an attachment to a signed Office action.